



Office of the Mayor and Council
City of College Park
8400 Baltimore Avenue, Suite 375
College Park, Maryland 20740
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: Case No. CPV-2021-01 Name: Anh Huynh Phuong Vo

Address: 5127 Lackawanna Street, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

March 9, 2021.

CERTIFICATE OF SERVICE

This is to certify that on March 11, 2021 the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2021-01,
5127 LACKAWANNA STREET, COLLEGE PARK, MARYLAND, RECOMMENDING
APPROVAL OF A LOT COVERAGE VARIANCE FROM SECTION 27-442(C) TABLE
II OF THE PRINCEGEORGE'S COUNTY ZONING ORDINANCE, TO LENGTHEN
A DRIVEWAY**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442 (c) Table II of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-442 (c) Table II of the Zoning Ordinance specifies a maximum lot coverage of 30 percent in the R-55 zone; and
- WHEREAS,** on December 28, 2020, Anh Huynh Phuong Vo ("Applicant"), submitted an application for a variance of 5.9% or 363 square feet from the maximum allowable lot coverage of 30% for a property located at 5127 Lackawanna Street, College Park ("Property"); and
- WHEREAS,** on February 4, 2021, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code.

WHEREAS, based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend the approval of the variance; and

WHEREAS, the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed.

NOW THEREFORE, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2021-01 to approve a 5.9% lot coverage variance to lengthen a driveway.

Section 1 Findings of Fact

- 1.1 The property is located at 5127 Lackawanna Street (Lot 8, Block 60A) in the Hollywood Subdivision.
- 1.2 The property and immediate neighborhood are zoned R-55, single-family residential.
- 1.3 The property has an odd trapezoid shape due to a diagonal rear yard lot line. The width is generally 60.02 feet and the length is 74.75 feet on the west side of the property and 110 feet on the east side for a total lot area of 6,148 square feet.
- 1.4 The property is improved with a 1,075.54 square foot, one-story frame house that was built in 1952, and a 297 square foot single-wide driveway. Part of the driveway was extended without a permit prior to a Stop Work Order being issued. The owner would like to complete her planned extension.
- 1.5 In the same block as the subject property, 5 of the 12 driveways (42%) extend to, almost to, or beyond the back of the house into the rear yard.
- 1.6 Despite having permit parking on this street, parking is limited.
- 1.7 There are several speed humps located on this street, which indicates a history of speeding. The Greenbelt Metro Station is located at the terminus of Lackawanna Street.
- 1.8 The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35% but it has not yet gone into effect.

Section 2 Conclusions of Law

- 2.1 The property has an unusual trapezoid shape that reduces the useable lot area.
- 2.2 The strict application of the Zoning Ordinance will result in a practical difficulty for the owner by not allowing the owner to extend the driveway to accommodate the need for off-street parking like other nearby properties. On-street parking on Lackawanna Street is extremely limited, traffic is heavy for a residential street, and there is frequent speeding. The Applicant is concerned about the safety of herself and her son and wants to protect their vehicles.
- 2.3 Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since the location and length of the driveway is consistent with others in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park to approve CPV-2021-01 for a 5.9% lot coverage variance to lengthen a driveway.

ADOPTED, by the Mayor and Council of the City of College Park at a regular meeting on the 9th day of March, 2021.

CITY OF COLLEGE PARK

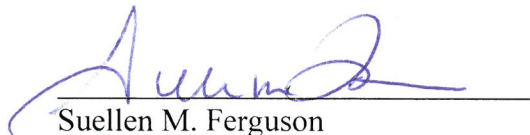


Janeen S. Miller, CMC
City Clerk



Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Suellen M. Ferguson
City Attorney